



Reprinted  
March 17, 2009

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## ENGROSSED HOUSE BILL No. 1021

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DIGEST OF HB 1021 (Updated March 16, 2009 2:49 pm - DI 102)

**Citations Affected:** IC 9-13; IC 9-19; IC 9-21; IC 20-27; noncode.

**Synopsis:** School and church bus matters. Provides that a school bus that is used as a church bus may be equipped with red lamps or flashing lights, or both, and a stop arm. Increases the penalty for recklessly passing a stopped school bus displaying an extended arm signal device from a Class B to a Class A misdemeanor if the offense causes bodily injury to a person. Requires a court to recommend the driving license suspension of a person who recklessly commits certain offenses resulting in bodily injury. (The introduced version of this bill was prepared by the sentencing policy study committee.)

**Effective:** July 1, 2009.

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### Crouch, Lawson L

(SENATE SPONSORS — BECKER, DEIG, LANDSKE)

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January 7, 2009, read first time and referred to Committee on Judiciary.  
February 5, 2009, reported — Do Pass.  
February 9, 2009, read second time, ordered engrossed. Engrossed.  
February 10, 2009, read third time, passed. Yeas 98, nays 0.

#### SENATE ACTION

February 19, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
March 10, 2009, reported favorably — Do Pass.  
March 16, 2009, read second time, amended, ordered engrossed.

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EH 1021—LS 6107/DI 106+



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March 17, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1021

A BILL FOR AN ACT to amend the Indiana Code concerning  
criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-24 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. "Church bus" ~~for~~  
3 ~~purposes of IC 9-29-5-9~~; has the meaning set forth in IC 9-29-5-9(a).

4 SECTION 2. IC 9-19-13-4.5 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.5. (a) Except for a  
6 vehicle utilized in a funeral procession, a vehicle that is not described  
7 by section 4 of this chapter may not display a red lamp.

8 (b) **Except as provided in subsection (c), a person who:**

9 (1) purchases or otherwise acquires a vehicle with equipment  
10 described by section 4 of this chapter; and

11 (2) is not authorized to display a red lamp upon the vehicle;  
12 shall immediately remove the red lamp from the vehicle.

13 (c) **A person who:**

14 (1) purchases or otherwise acquires a vehicle with equipment  
15 described by section 4 of this chapter; and

16 (2) uses the vehicle as a church bus;  
17 **may display a red lamp on the vehicle.**

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SECTION 3. IC 9-21-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) Except as provided in subsection (b), a vehicle may not display flashing lights.

(b) Flashing lights may be displayed on a vehicle as follows:

- (1) On an authorized emergency vehicle.
- (2) On a school bus.
- (3) On snow-removal equipment.
- (4) As a means of indicating a right or left turn.
- (5) As a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

**(6) On a bus described in IC 9-19-13-4 that is used as a church bus.**

SECTION 4. IC 9-21-8-52, AS AMENDED BY P.L.1-2005, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

- (1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:
  - (A) endanger the safety or the property of others; or
  - (B) block the proper flow of traffic;
- (2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;
- (3) drives in and out of a line of traffic, except as otherwise permitted; **or**
- (4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass; **or**
- (5) passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position;

commits a Class B misdemeanor.

**(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.**

~~(b)~~ (c) If an offense under subsection (a) **or (b)** results in damage to the property of another person **or bodily injury to another person**, the court shall recommend the suspension of the current driving license of the person for a fixed period of:

- (1) not less than thirty (30) days; and

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1 (2) not more than one (1) year.

2 SECTION 5. IC 20-27-9-16, AS ADDED BY P.L.1-2005,

3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

4 JULY 1, 2009]: Sec. 16. **(a) Except as provided in subsection (b),**

5 whenever a school bus is purchased for and is being used for any

6 purpose except to transport students, the purchaser shall:

7 (1) remove the flasher lights;

8 (2) remove the stop arm; and

9 (3) paint the bus any color except the national standard school bus

10 chrome yellow.

11 **(b) Whenever a school bus is purchased for use, and is being**

12 **used, as a church bus (as defined in IC 9-29-5-9(a)), the purchaser:**

13 **(1) may retain the flasher lights;**

14 **(2) may retain the stop arm; and**

15 **(3) shall paint the bus any color except the national standard**

16 **school bus chrome yellow.**

17 SECTION 6. [EFFECTIVE JULY 1, 2009] IC 9-21-8-52, as

18 amended by this act, applies only to crimes committed after June

19 30, 2009.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1021, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 8, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1021, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1021 as printed February 6, 2009.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 0.

## SENATE MOTION

Madam President: I move that Engrossed House Bill 1021 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. "Church bus" ~~for purposes of IC 9-29-5-9~~, has the meaning set forth in IC 9-29-5-9(a).

SECTION 2. IC 9-19-13-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.5. (a) Except for a vehicle utilized in a funeral procession, a vehicle that is not described by section 4 of this chapter may not display a red lamp.

(b) **Except as provided in subsection (c)**, a person who:

(1) purchases or otherwise acquires a vehicle with equipment described by section 4 of this chapter; and

(2) is not authorized to display a red lamp upon the vehicle;

shall immediately remove the red lamp from the vehicle.

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**(c) A person who:**

**(1) purchases or otherwise acquires a vehicle with equipment described by section 4 of this chapter; and**

**(2) uses the vehicle as a church bus;**

**may display a red lamp on the vehicle.**

SECTION 3. IC 9-21-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) Except as provided in subsection (b), a vehicle may not display flashing lights.

(b) Flashing lights may be displayed on a vehicle as follows:

(1) On an authorized emergency vehicle.

(2) On a school bus.

(3) On snow-removal equipment.

(4) As a means of indicating a right or left turn.

(5) As a means of indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

**(6) On a bus described in IC 9-19-13-4 that is used as a church bus."**

Page 2, between lines 13 and 14, begin a new paragraph and insert:  
"SECTION 5. IC 20-27-9-16, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. **(a) Except as provided in subsection (b),** whenever a school bus is purchased for and is being used for any purpose except to transport students, the purchaser shall:

(1) remove the flasher lights;

(2) remove the stop arm; and

(3) paint the bus any color except the national standard school bus chrome yellow.

**(b) Whenever a school bus is purchased for use, and is being used, as a church bus (as defined in IC 9-29-5-9(a)), the purchaser:**

**(1) may retain the flasher lights;**

**(2) may retain the stop arm; and**

**(3) shall paint the bus any color except the national standard school bus chrome yellow."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1021 as printed March 11, 2009.)

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